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BOOK REVIEWS.

A PHILADELPHIA LAWYER IN THE LONDON COURTS. By Thomas Leaming, Henry Holt & Co., 1911.

The American lawyer however well read in the Common Law, however familiar with English statutes and decisions, knows, as a rule, little of the life in the modern English courts, of the judges, barristers and solicitors who make up a professional world of strange contradictions, where rigid etiquette and strict adherence to social traditions go hand in hand with methods of practice remarkable for their flexibility and common sense. The tourist may carry away a casual impression of wigs and gowns, while the foreign correspondent may fume at a bill of costs unpalatable even in its careful itemization. It is improbable that either will get to the heart of a legal system that has advanced in many directions where our own has stood still.

In a delightfully informal manner Mr. Leaming has given us his impressions of the London courts. The high standing of the author both as a *nisi prius* lawyer and in the appellate courts would of itself cause his brethren at the bar to give respectful attention to anything he might have to say upon professional topics. The charming literary qualities of the work and the clever original sketches with which it is illustrated reveal an unexpected versatility. Indeed the narrative is so completely divested of technicalities, dealing not so much with the law as with the education, social surroundings and discipline of the bar and the methods and atmosphere of the courts, that it ought to prove of as much interest to the student of social history as to the lawyer.

We are told of the making of the lawyer, the Inns of Court; the difference between the education of the barrister and the solicitor; of the distinctions in rank at the bar, the King's Counsel, the junior, and the "devil," doing the junior's work while waiting for briefs of his own. We are taken to the principal courts and shown their methods of trying cases, their peculiar costumes and etiquette, the bearing of witnesses and parties. "The Englishman in his court," says the author, "is evidently in his native element and appears at his best."

Those whose knowledge of the English courts is derived from Dickens and other satirists will be surprised to read of the hearty good humor, alacrity and crispness of the proceedings, of the complete triumph of common sense, and will want to know more of the great reforms of the nineteenth century, particularly of the Judicature Act of 1873, and the rules of court by which procedure has been simplified and trials expedited. In the closing chapter the author is inclined to take a gloomy view of the socialism now rampant in Great Britain, and wonders whether England has seen its best days. Certainly at this moment the United States is "infinitely more conservative." But however it may be with the startling changes introduced by the present government, there is no doubt that the reforms in legal procedure in which members of both parties had a hand, are, in the main, admirable and many of them capable of adaptation to American conditions.

The chapters on the administration of criminal law are most interesting and instructive, bearing in mind the disgraceful conditions that prevail in many parts of the United States.

A skeptical reader, in whom patriotism is not unmingled with provincialism, might be inclined to doubt whether the very favorable impression of the London courts formed by the author was not at least in part the result of social predilection and associations formed within the magic circle. The influences of a charming hospitality are undoubtedly potent. Nevertheless

most of the author's views will be corroborated by candid observers. There can be no question that the Englishman, at this writing, manages his courts with less delay and quibbling than the American, with less declamation than the Frenchman and with more flexibility than the German.

This was not always true and may not be lasting. The danger of the English bar lies in its isolation. The rigid etiquette which keeps the client at a distance, the cloistered life and caste attitude will be difficult to reconcile with the growing socialism of Great Britain. The local solicitor in his closer relations with the proletariat is in a position to take advantage of every opportunity to encroach upon the privileges of the bar. In spite of our common traditions, conditions in America are too different to afford a reasonable basis for contrast with the English system. The tendency of Constitution Law to crowd private law into the background, the narrowness of the half educated early nineteenth century lawyer, the lack for many years of a National Bar Association and the weakness of local societies have all contribute to prevent the expression of bar sentiment and to delay the enactment of scientific legislation. These things are on the mend, and we may have as good reason to be pleased with our progress in the twentieth century as England has to be proud of the improvement of her jurisprudence in the nineteenth.

W. H. L.

THE ADMINISTRATION OF JUSTICE IN CRIMINAL MATTERS. By G. Glover Alexander. Cambridge University Press, 1911.

The author has attempted the difficult task of condensing into 140 small pages a readable summary of criminal procedure in England and Wales. The booklet forms one of the series of Cambridge Manuals of Science and Literature; and should meet the intention of its publishers to supply to the average Englishman untrained in the law, an explanation of the rudiments of the criminal procedure of his country. The American reader, whose eyes are commencing to be opened to the unsatisfactory state of our own procedure, will be enlightened as to some of our existing differences.

The average reader should acquire an intelligent impression of the fundamental machinery of English criminal law. Unfortunately there are a few dark spots which must be lightened by the readers own knowledge of English institutions. The necessity of brevity is no doubt the cause of these lapses, which occur, for the most part, in the portion devoted to the Justices of the Peace. It must be admitted that to explain this functionary, the product of piece-meal legislation extending over more than five centuries, is no easy task.

More than one-half of the booklet is devoted to magistrates and magistrates' courts. This seems justifiable in a popular treatise, when the importance of this office is considered, as an initiator of criminal procedure and the "judge" most closely in contact with the people.

At a time when the administration of justice by magistrates in this country is under a particularly warm fire of adverse criticism by students of sociology, a simple explanation of the English system of summary jurisdiction is welcome. This jurisdiction, the creation of statutes dating from 1848 and exercised by the Justices of the Peace in what is called the Petty Sessional Court, extends to a large number of small indictable offences enumerated in the appendix. The jurisdiction depends upon the consent of the accused or if under fourteen, of the accused's parent. Worthy of notice, also, is the Justices' clerk who makes this police court, a court of record and applies to difficult questions presented to the lay Justices the legally trained mind of a barrister or solicitor of standing.

The remainder of the text is devoted to the shortest possible outline of the jurisdiction and procedure obtaining in the major criminal courts, in the order of their authority: Assizes, High Court of the King's Bench Division,